

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-80025
Honorable Victoria A. Roberts

KEVIN WATSON,

Defendant.

_____ /

**ORDER DENYING WATSON'S MOTION FOR
CERTIFICATE OF APPEALABILITY [ECF No. 980]**

On March 19, 2021, the Court denied Watson's motion for a sentence reduction. Watson moved for reconsideration of the order, and the Court denied that motion on May 6, 2021. On July 1, 2021, Watson filed a notice of appeal of the order denying his sentence reduction motion.

Before the Court is Watson's Motion for Certificate of Appealability.

Watson says the Court must issue a certificate of appealability under 28 U.S.C. § 2253(c)(2) if he makes a substantial showing of the denial of a constitutional right. However, § 2253(c) concerns certificates of appealability for habeas proceedings. See 28 U.S.C. § 2253(c)(1) ("Unless a . . . judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—(A) the final order in a habeas corpus

proceeding in which the detention complained of arises out of process issued by a State court; or (B) the final order in a proceeding under section 2255.”).

Watson’s motion for reduction in sentence does not constitute a habeas proceeding; § 2253(c) does not apply, and Watson does not need a certificate of appealability to appeal this Court’s order. Indeed, the Court of Appeals for the Sixth Circuit initiated the appellate proceedings without issuance of a certificate of appealability.

Watson’s Motion for Certificate of Appealability [ECF No. 980] is
DENIED.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 13, 2021